S.B.Civil Writ Petition NO.668/2005

Bhopal Singh

vs

District Election Commissioner & Ors.

DATE OF ORDER : - 1.2.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. S.S.Rajpurohit, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the action of the respondent by which the petitioner's name has been deleted from the voter list Annex.2.

According to learned counsel for the petitioner, the petitioner's name was very much available in the voter list, copy of which is placed on record, but the petitioner's name has been deleted without affording an opportunity of hearing to the petitioner and by this petitioner is being deprived to contest the election. According to learned counsel for the petitioner, the petitioner was even issued an identity card, copy of which is placed on record by the petitioner as

Annex.7. According to learned counsel for the petitioner the interim order was passed by the Jaipur Bench of this court on 10.1.2005 in S.B.Civil Writ Petition No.70/2005 wherein this court issued the notice and ordered that in the meantime, respondents are directed not to reject the nomination filed by the petitioners on the ground of not having name in the voter list. The Jaipur Bench of this court also ordered that it shall not create any equity in favour of the petitioners and shall remain subject to decision of the writ petition. According to learned counsel for the petitioner, the petitioner may also be allowed the same relief.

Since the order, which was passed in the S.B.Civil writ petition No.70/2005 is only interim order and this court examined the matter on merit, therefore, proceeding to decide the writ petition itself.

It is submitted by learned counsel for the petitioner that the voter list was issued in the month of Jan., 2004. It is clear from Chapter III of the rules framed under the Rajasthan Panchayati Raj Rules, 1994, which are the Rajasthan Panchayati Raj (Election) Rules, 1994 that a complete procedure has been given for preparation of voter list and as per rule, the voter list is required to be prepared and it is to be published as provided under Rule 12. The copy of the voter list exhibited at various places in the Gram Panchayat and any claims and

objections can be submitted under Rule 13 and they are decided under Rule 14 of the Rules of 1994. The final list is, thereafter, published. The petitioner did not remain vigilant when the final voter list was published. The Rule 18 provides revision of voter list and there is a provision providing for special revision of the voter list under Rule 19. Even interim alterations are permissible under Rule 20, but the petitioner did not choose to take benefit of any of the said provisions. Since the petitioner was not vigilant for this purpose of getting his name entered if it was not entered in any electoral roll of the village, therefore, at this belated stage when the election process is already started and due date for filing the nomination paper is tomorrow, this court is not inclined to entertain this writ petition. Learned counsel for the petitioner also submits that the petitioner had no knowledge when the final list was published. If it is so then the petitioner was not vigilant is apparently clear because before publication of even final list, the interim list is published as mentioned above, but he did not object and even did not care to see the final list till process of election started. The petitioner should have at least verified when the interim or provisional voter list and final voter list were published before filing the writ petition.

Apart from it, it is clear from the procedure provided for scrutiny of nomination paper that the Returning Officer is required to verify the

serial number of the ward from which the candidate purposes to seek election and serial number of the nomination paper for such ward etc.

In view of the above, the writ petition deserves to be dismissed as filed after inordinate delay. Hence, the writ petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-